

Appl. No.: 10/710,923
Docket No.: 158982 / GEM-0053-P

REMARKS

The claims stand restricted as follows:

- I. Claims 1-13, drawn to an imaging system, classified in class 600, subclass 407.
- II. Claims 14-15, drawn to a computer system, classified in class 600, subclass 424.
- III. Claims 16-30, drawn to a method, classified in class 600, subclass 407.
- IV. Claims 31-33, drawn to a method, classified in class 600, subclass 424.
- V. Claims 34-45, drawn to a method, classified in class 600, 424

Applicant hereby elects Group I, Claims 1-13, *with traverse*, respectfully traversing the Election / Restriction requirement for the following reasons.

Certain groups noted below are drawn to such similar subject matter that a search of one group would substantially overlap a search of another group.

If the search and examination of an entire application (with respect to similar subject matter claimed) can be made *without serious burden*, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP 803. (Emphasis added).

Regarding Groups I and III

The Examiner alleges that in the instant case Groups I and III are distinct because the apparatus (Group I) could be used without *segmentation processing* and/or insertion of *geometric markers*.

Applicant respectfully disagrees.

In Claim 5 of Group I, Applicant claims "*instructions for segmenting*", and in Claim 11 of Group I, Applicant claims "*display a geometric marker*". As such, Applicant submits that the inventions of Groups I and III are drawn to such similar subject matter that a search relating to Group I would substantially overlap a search relating to Group III, which the Examiner acknowledges by classifying both Groups I and III in class 600, subclass 407.

Accordingly, Applicant submits that a search and examination of at least Groups I and III can be made *without serious burden* to the Examiner.

Absent a serious burden to the Examiner, Applicant submits that under MPEP 803, the Examiner must examine the entire application on the merits, even though it includes

Appl. No.: 10/710,923
Docket No.: 158982 / GEM-0053-P

claims to independent or distinct inventions.

Accordingly, Applicant submits that restriction of Groups I and III for examination purposes is improper.

Regarding Groups II, IV and V

The Examiner alleges that in the instant case Groups II and IV are distinct because Group II could be used in *non-cardiac applications* and *without identification of landmarks*.

Applicant respectfully disagrees.

In Claim 15 of Group II, Applicant claims "real-time vessel tracking" (a tracked vessel would constitute *an identified landmark*), and "a coronary sinus or a coronary artery" (coronary artery and/or sinus would constitute *a cardiac application*).

As such, Applicant submits that the inventions of Groups II and IV are drawn to such similar subject matter that a search relating to Group II would substantially overlap a search relating to Group IV, which the Examiner acknowledges by classifying both Groups II and IV in class 600, subclass 424.

Regarding Groups II and V, Applicant does not find where the Examiner specifically states how the two groups are distinct. However, the Examiner likewise classifies Groups II and V in class 600, subclass 424.

In view of the foregoing, Applicant submits that a search and examination of at least Groups II, IV and V can be made *without serious burden* to the Examiner.

Absent a serious burden to the Examiner, Applicant submits that under MPEP 803, the Examiner must examine the entire application on the merits, even though it includes claims to independent or distinct inventions.

Accordingly, Applicant submits that restriction of Groups II, IV and V for examination purposes is improper.

For at least the foregoing reasons, the above noted Restriction Requirement is wholeheartedly traversed, and removal of the Requirement, at least with respect to the improper groupings of Groups I and III, and Groups II, IV and V, is respectfully requested. As always, the Examiner is cordially invited to contact the undersigned by telephone to resolve any issues that remain.

Consideration and allowance of the elected claims is respectfully requested. The foregoing is believed to be fully responsive to this office action.

Appln. No.: 10/710,923
Docket No.: 158982 / GEM-0053-P

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 07-0845.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP
Applicant's Attorneys

By: /David Arnold/

David Arnold
Registration No: 48,894
Customer No. 23413

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115